

TRANSLATION**PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 030849PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/014231	International filing date (day/month/year) 29.09.2004	Priority date (day/month/year) 30.09.2003
International Patent Classification (IPC) or national classification and IPC G11B7/007, 7/0045, 7/125, 7/24, 20/12		
Applicant PIONEER CORPORATION		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>5</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report																								
Name and mailing address of the IPEA/JP	Authorized officer																								
Facsimile No.	Telephone No.																								

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International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

☐ the international application as originally filed/furnished

☒ the description:

pages 1-25 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-4, 6-23 received by this Authority on 28.04.2005

nos.* _____ received by this Authority on _____

☒ the drawings:

sheets fig. 1-13 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☒ the claims, nos. 5

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
1. Statement						
Novelty (N)	Claims	1-4, 6-23	YES			
	Claims		NO			
Inventive step (IS)	Claims		YES			
	Claims	1-4, 6-23	NO			
Industrial applicability (IA)	Claims	1-4, 6-23	YES			
	Claims		NO			
2. Citations and explanations (Rule 70.7)						
Document 1: JP 11-066575 A (Nikon Corp.), 09 March 1999, paragraphs [0059] and [0060] (Family: none)						
Document 2: JP 2000-113458 A (Yamaha Corp.), 21 April 2000, paragraphs [0006] and [0007] (Family: none)						
Document 3: JP 2003-257025 A (TDK Corp.), 12 September 2003, paragraphs [0084] and [0085] & US 2005/0088942A & EP 1489601 A						
Document 4: JP 5-151644 A (International Business Machines Corp.), 18 June 1993, paragraph [0044] & US 5255262 A & EP 0773541 A						
Document 5: JP 2002-050053 A (TDK Corp.), 15 February 2002, paragraphs [0012] and [0019] & US 2002/0021656 A & EP 1178472 A						
Claims 1 to 4, 12 to 14, 16, 19, 22 and 23						
Document 1 discloses a multilayer optical disk and a recording method for said multilayer optical disk, wherein information is recorded upon each recording layer in an optimal manner by changing the rotational speed of the disk during the recording process in order to accommodate the characteristics of each recording layer.						

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Meanwhile, document 2 discloses an optical disk wherein information pertaining to the possible recording speeds has been recorded in the lead-in area, and also discloses an optical disk recording device that sets the rotational speed of the disk according to the possible recording speed information that is reproduced from the optical disk.

Consequently, it would not have been especially difficult to configure so that information pertaining to the optimal rotational speed for recording to each recording layer is recorded upon a multilayer optical disk in the light of the disclosures in documents 1 and 2.

Furthermore, techniques for changing recording conditions other than the rotational speed of the disk are well known, and thus it would have been obvious to a person skilled in the art that it is possible to record information pertaining to other recording conditions in addition to the information pertaining to the possible recording speeds.

Such being the case, the inventions set forth in claims 1 to 4, 12 to 14, 16, 19, 21, 22 and 23 do not involve an inventive step in the light of documents 1 and 2.

Claims 6 and 15

Document 2 (paragraph [0025]) discloses a feature wherein information for identifying a medium is recorded upon the medium itself.

Such being the case, the inventions set forth in claims 6 and 15 do not involve an inventive step in the light of documents 1 and 2.

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Claim 7

Document 2 (paragraph [0018]) discloses a feature wherein recording condition information is recorded upon a recording medium in advance.

Such being the case, the invention set forth in claim 7 does not involve an inventive step in the light of documents 1 and 2.

Claim 8

Document 3, which is newly cited in the present international preliminary examination report, discloses a multilayer optical disk and an optical disk device, and further indicates that the recording conditions are recorded in a rewritable state (paragraph [0085]).

Such being the case, the invention set forth in claim 8 does not involve an inventive step in the light of documents 1 to 3.

Claim 9

Techniques whereby information pertaining to the characteristics of a multilayer optical disk is collected and recorded on the side via which the recording/reproduction light enters said multilayer optical disk are well known as disclosed in document 4, which is newly cited in the present international preliminary examination report.

Such being the case, the invention set forth in claim 9 does not involve an inventive step in the light of documents 1 and 2.

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Claims 10 and 21

Document 5, which is newly cited in the present international preliminary examination report, discloses a multilayer optical disk and an optical disk device, and further presents a configuration wherein the recording conditions that are specific to each recording layer are recorded upon each respective recording layer (refer to paragraphs [0012] and [0019]).

Such being the case, the inventions set forth in claims 10 and 21 do not involve an inventive step in the light of documents 1, 2 and 5.

Claim 11

Document 1 (paragraph [0060]) discloses a configuration wherein there is an inverse relationship between the recording speed and the distance of the recording layer from the optical pickup.

Such being the case, the invention set forth in claim 11 does not involve an inventive step in the light of documents 1, 2 and 5.

Claims 17 and 18

Document 3 discloses a configuration wherein the recording strategy information for each layer of an optical disk is recorded upon said optical disk.

Such being the case, the inventions set forth in claims 17 and 18 do not involve an inventive step in the light of documents 1 to 3.

Claim 20

Optical disks that have a possible recording speed of 1x and a possible recording speed of Nx (wherein N

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

represents an integer) are well known.

Such being the case, the invention set forth in
claim 20 does not involve an inventive step in the light
of documents 1 and 2.